

ARTICLE III

MISCELLANEOUS ADMINISTRATIVE RULES

Section 1. Unusual Conditions:

Members will communicate promptly to immediate supervisors, both verbally and via Special Report, any and all conditions or occurrences observed by them which are important, extraordinary, unusual or perilous to life or limb as to require special attention.

These "Unusual Incidents" should include, but are not limited to, cases which could reflect positively or negatively on the Department. Examples of "Unusual Incidents" to be reported are:

1. Rescue of citizens.
2. Injuries to or death of members, whether on or off duty.
3. Stolen property.
4. Civil disturbances.
5. Abuse/attacks on members, both physically and verbally.

The report should include dates, times, locations and incident numbers, if applicable. If there is any doubt as to information to be reported, convey what information is available and consult with your immediate supervisor.

Section 2. Notification of Commanders:

Daily, at 0700 hours and 1900 hours, Office of Unified Communications (OUC) will notify the Department of:

1. The names of officers in the Operations Division who are to be on duty as acting Deputy Fire Chief and acting Battalion Fire Chief.
2. The names of commanding officers of other Divisions who are in an acting status.

Whenever an officer assumes command of the Department, a Division or a Battalion at a time other than at the change of a tour, they will notify the OUC for notice to the Department.

Section 3. Checks:

The distribution of pay checks has been discontinued and all members are required to enroll in Direct Deposit.

[Company officers will record the receipt of all supplemental and miscellaneous checks in the company journal and place these checks in a secure place until forwarded to appropriate destination.

The delivery of any supplemental check to members must be documented with full particulars in the company journal and by the execution F&EMSD Form 1.]

Delivery of checks to persons who have been separated from the Department is prohibited.

[Verification of Employment and Earnings:

Company Commanders, Platoon Commanders, and Supervisors shall not give out any information (written or oral) regarding employment and earnings to anyone.

Refer all requests for this type of information to Payroll Operations 300 Indiana Ave., NW Room 4106 Washington, D.C. 20001 or Payroll Operations can be contacted at 202-727-2060 or Fax at 202-727-2091.]

Section 4. Zip Code and Area Code Numbers:

Postal Zip Code and Area Code Numbers will be included in all official records and correspondence whenever an address or telephone number is mentioned.

Section 5. Miscellaneous Service Calls:

Requests made direct to companies relative to removal of fallen trees, pumping out cellars, etc., will be referred to the OUC.

In case of doubt as to the proper action to be taken on such calls, the Watch Commander at OUC will contact the Deputy Fire Chief Operations, regardless of the hour.

Section 6. Disaster Relief:

Immediate emergency assistance, as well as long range rehabilitation assistance, is available from the American Red Cross when:

1. Any fire or emergency requires relief for one or more families.
2. Any disaster involving a large number of persons, such as a fire in a hotel or apartment, explosion, airplane crash or railroad wreck.

This assistance may be given in the form of first aid, food, clothing, housing, furniture or transportation, depending upon the circumstances of the emergency.

It will be the responsibility of the incident commander at the scene of the emergency to determine if any of the aforementioned assistance services are needed. The OUC will be advised as to the urgency and type, so they can notify the proper authority (American Red Cross through the Mayor's Command Center).

[This notification can also be made direct to the Emergency Management Agency (EMA) thru the Mayors Command Center at 202-727-6161.]

If no officer in charge is available, and circumstances at the scene indicate the need for disaster relief, the fire inspector will so advise the OUC as soon as practicable.

Section 7. Reporting Changes Concerning Personnel:

Assignments and reassignments of members (to be reported by the officer of the new company), and changes of address, telephone number, marital status, rank, platoon number or next of kin will be recorded on the F&EMSD Form 9. The form will be completely filled out whenever any change is made. Changes to this form will be indicated by checking the appropriate box on the left hand side of the form. Only the current form will be retained. The form will be placed directly over the F&EMSD Form 175 in the member's personnel file. The left side of the personnel file folder will be in the following uniformed order; the FD 119 will be on the bottom, then FD Form 175 will be placed over top of the FD Form 119, and the current FD Form 9 will be visible on the left side when the personnel folder is opened.

The next of kin information provides the Department with the desires of members as to who should be notified in the event of serious injury to the member concerned. Changes will be reported as they occur so this information will be kept up-to-date.

Whenever a F&EMSD Form 9 is submitted denoting an address change, the responsible company officer will also execute and submit Form OBMS-90 (in duplicate). The date the OBMS-90 was submitted will be entered in the space provided at the top right side of the F&EMSD Form 9.

Company officers and division commanders, other than the Operations Division, will insure that reports are prepared and forwarded to the [Human Resources Office] so this information will be placed in the member's personnel file at [District of Columbia Personnel Folder (DCOP)] and at various levels as set forth in Article IV of the Fire and EMS Department Order Book.

[People Soft ESS:

Employees desiring to make changes and or edits to some of their personal information can do so on-line by accessing the link to PeopleSoft at <http://eprofile.asmp.dev.in.dc.gov>. When accessing this account the employee will need a copy of his/her earnings statement and their DC E-mail account information.

ePay: Enables the employee to view their basic payroll information and print a copy of your latest earnings statement online. This tool allows the employee to collaborative application that will give you immediate access to your personal payroll data.

eBenefits: Enables the employee to review their benefits information. Employees will be able to access their Health, Life, FSA, and Retirement benefits information online.

eProfile: Enables the employee to update their name, address, marital status, emergency contact information, email addresses and phone numbers.

District E-Mail Accounts:

E-mail accounts have been established for all employees of the department. For new users, your E-mail account will be firstname.lastname@dc.gov. It is not case sensitive. If this is the employees first time accessing their mailbox contact IT ServUs @ 202-671-1566 to have their password reset to access it.

Section 8. Uniformity of Records:

All official records, manuals, forms and other necessary items will be kept up-to-date, in neat condition and in a uniform manner.

Office desks and file cabinets of companies will be inspected once a month by a Battalion Fire Chief to see that standardization procedures are being maintained as directed by the Fire/EMS Chief. Charts describing the set-up procedure of company desks and file cabinets will be filed in the official company information book for reference.

Section 9. Matters Concerning the Company or Department:

The on-duty company officers will review the contents of the FEMS Orders and Memos Folder on the computer desktop each morning before lineup for any orders issued during their current or previous tour of duty. The officers will then relay this information to the members at lineup.

Company officers will print one (1) copy of each newly issued General Order, Special Order, Memorandum, and Deputy Fire Chief Memorandum. General Orders issued with large attachments will be distributed to the companies (hard copy) via the Battalion Fire Chiefs.

Company officers who receive General Orders will promptly make all changes to the appropriate manuals. Upon completion of the updates, the on-duty platoon commander will initial and place the date next to each item updated.

These orders will be maintained on clipboards at or near the watch desk for the availability of all members who will initial each order after reading.

To access the computer folders:

1. Use the mouse to place the cursor on the desired folder.
2. Double click the left button to open the folder and display the list of orders.
3. Locate and double click on the order to be viewed.

Members returning from an absence from the company will familiarize themselves with the contents of all General Orders, Special Orders, Memorandums and Deputy Fire Chief Memorandum issued during their absence; and acknowledge this review by initialing each order.

After 14 calendar days, or sooner if all members have initialed the orders, company officers will remove the orders from the clipboard and file them in either a folder in the executed forms drawer of the file cabinet or current year orders binder with the FD manuals.

Amendment(s) to any publication issued by the Department will be made promptly upon receipt by the on-duty company officer of each company. If the order is received verbally (via Channel 01 Dispatch or by telephone), the initials and date will be entered in the company journal in the margin next to the order issued [with the notation "Vocal Message". All vocal messages will be recorded verbatim in the company journal.]

Section 10. Fire Department Orders and Memorandums:

General Orders will contain orders affecting the permanent policy of the Department and revising the Rules and Regulations, Order Book, Box assignments, drill manuals and pamphlets, etc.

Special Orders will include all transfer of personnel, special details by the Fire/EMS Chief, and other orders not intended to be of a permanent nature.

Memorandums will contain general information to the Department regarding hydrants, letters of appreciation, etc.

Deputy Fire Chief Memorandum will contain information specific to battalions, companies, and units in the Fire Fighting and EMS Divisions.

All orders and memorandums issued by the Department are posted on the LAN (Local Area Network), and can be accessed by computer via the LAN. Extensive manual changes will be issued, via General Order, as hard copies to be placed in the appropriate manual. Battalion Fire Chiefs will record upon daily reports any orders and memorandums they have distributed to units under their command.

Orders and memorandums issued during the current calendar year will be maintained in the appropriate folder or binder for each type of issuance. Those issued during previous years will be kept in the appropriate "Old Orders File" folder or binder for each type of issuance. All orders and memorandums, both old and current, will be maintained on the LAN desktop in folders for each type of issuance.

The Regulations Officer will annually survey General Orders, Special Orders, Memorandums and Deputy Fire Chief Memos to determine:

1. Those to retain for study or reference, which will be transferred to the applicable Department manual, or to an "old" folder on the LAN desktop.
2. Those orders and memorandums identified to be rescinded, removed and destroyed.

The "Old Orders File" folder will be surveyed frequently by the Regulations Officer, in order to "weed out" obsolete orders and memorandums.

Company officers of the Department wishing to make a request for issuance of orders, memorandums, or changes in any official publication will submit the request to the Regulations Officer in the Office of Professional Standards.

Requests for changes/updates to any Special Orders, Memorandums or any official publication of the Department may be submitted, in writing or electronically, directly to the Regulations Officer.

Section 11. Money - Forwarded To Budget and Accounting:

Locked cash bags are provided to secure all money forwarded to Budget and Accounting Office. The bags are kept open until used. A leather thong prevents the lock from accidentally closing. The thong is slipped from under the locking mechanism to secure the bag. Once the bag is locked, it can only be opened with a master key at Budget and Accounting Office.

Several extra bags, sufficient to meet the battalion's needs, will be maintained in each battalion headquarters and several extra bags will also be maintained in the offices of the divisions other than Operations. Individuals who need bags to forward money will request them from their battalion or division commanders. Commanders can replenish their supply of bags by calling the Budget and Accounting Office at 673-3338 and requesting more bags.

Unless otherwise ordered money will be forwarded to Budget and Accounting Office as follows:

1. Individuals responsible for forwarding money will prepare a F&EMSD Form 1. Showing the dollar amount being forwarded and the serial number of the bag used. Place the original and one (1) copy of the Form 1 in the bag with the money and lock it. The Budget and Accounting Office will sign this Form 1, and return the original to the sender when their count of the contents of the bag agrees with what is stated on the Form 1. If the count does not agree, they will contact the sender in order to effect reconciliation.
2. Individuals forwarding money will also prepare another Form 1 to monitor the movement of the bag. On this Form 1 put only the bag's serial number. Do not list the contents.

When the bag is picked up by the Battalion Fire Chief, in the Operations Division, or the Department mailman in the case of other divisions, have this Form 1 signed and retain the original as your receipt. The other two (2) copies will accompany the bag.

When bags are picked up at battalion headquarters by the Department mailman, the mailman will countersign one (1) of the copies of the Form 1 and leave it at the battalion headquarters as their receipt. Then take the third copy of the Form 1 and have the member of the Budget and Accounting Office, who takes custody of the bags, sign it as their receipt for having delivered the bags. When the mailman picks up bags from divisions other than Operations, there will be an extra copy of the Form 1, which may be discarded.

3. The Budget and Accounting Office will open all bags, count the contents and compare it with what is stated on the Form 1 inside. Once the contents are counted and correct, they will deposit all money with the D.C. Treasurer, sign the Form 1 and return the original to the member who forwarded the bag.
4. If, for any reason, individuals who have forwarded money to the Budget and Accounting Office do not receive a signed Form 1 for their receipt, or are not contacted by the Budget and Accounting Office within twenty (20) days after the bag was forwarded, they will call the Assistant Fire Chief Services, and be governed by that Chiefs instructions.

Section 12. Pets:

No pet will be kept in any building owned or occupied by the Fire and EMS Department without prior authorization from the appropriate division/bureau head.

Section 13. Tax - District of Columbia; State or Federal:

All members will have a current and up-to-date Form OBMS-90 on record with the Human Resources Office.

Any type of change of address or authorization of D.C. or state income tax withholding will require a Form OBMS-90 to be submitted (in duplicate).

Members desiring to change their Federal withholding tax status may do so by executing Form W-4 (in duplicate) with their name in capital letters, surname first.

The District of Columbia Government will mail wage and tax statements (Form W-2), to all employees. If a duplicate Form W-2 is required for any reason, the D.C. Office of Financial Management will furnish one upon receipt of a completed "Request for Duplicate W-2 Form".

The completed "Request for Duplicate W-2 Form" will be forwarded through the U.S. mail to the address below, or faxed to the number listed on the form itself.

District of Columbia Government
[Office of Financial Operations and Systems
Office of Pay and Retirement
441 4th Street, N. W., Washington, D.C. 20001
Attention: Control Unit, Room Suite 480 North.
Fax Number: 202-741-8580]

Section 14. Residence - Metropolitan Area:

Members are entitled to receive a residency preference (priority placement) upon application for a competitive promotion. When there is a tie in the numerical score, the preference of candidates will have the designation 'RP' placed next to their names and will be listed ahead of the non- preference candidates with the same score. If selected, said member is subject to the five (5) year residency requirement.

All members appointed to the Department after January 1, 1980 are subject to the same residency restrictions as those members appointed prior to said date, with the following exception:

If said members intend to, or have claimed residency preference in cases of application to their position or in cases of competitive promotion, they will agree in writing no later than the effective date of appointment to the position, to maintain bona fide residency for a period of five (5) consecutive years from the effective date of appointment. Failure to maintain bona fide District residency as required will result in forfeiture of employment.

Section 15. Outside Employment:

All members of the Department, including new appointees, are required to complete and submit through proper channels F&EMSD Form 14. In addition to this requirement, members performing policy making, contracting and/or purchasing functions as determined by the Fire/EMS Chief, are required to complete and submit DC Form 35-A and or 35-B "Statement of Financial Interest", as appropriate.

Whenever there is any change in the information submitted on either of the above forms, a Form 14 will be submitted giving the current information.

Action on the Form 14 will be taken promptly by those concerned. Members will not perform any outside employment until such outside employment request has been approved:

1. By the Division Commander for members of their divisions.
2. By the Assistant Fire Chief for division commanders.
3. By the Fire/EMS Chief for all other Department members.

Section 16. Grievance Procedure:

Grievance procedures for all personnel are located in the Fire and EMS Department Bulletin Book.

Section 17. Personal Complaints:

Any member who has a personal complaint, which does not fall within the definition of a grievance, as defined by the negotiated contracts of the various bargaining units of the Department for personnel to bargaining units and by Fire and EMS Department Bulletin No. 4 for personnel not in bargaining units, may register a complaint under the following procedure.

1. The complaint will be registered at the appropriate level of the chain of command, i.e., company, battalion, division level.
2. Every effort will be made to satisfactorily resolve such complaint at the lowest possible level of the chain of command and only when such effort proves futile will the matter be referred to the next higher level.
3. The original complaint or any referrals up to and including the division level need not be in writing.
4. In the event the complaint cannot be resolved after having reached the division level, the member concerned will submit a special report, through channels, to the Fire/EMS Chief furnishing all pertinent information.

5. For the purpose of compliance with the above provisions, the following are recognized as "chains of command":

a. Operations Division:

1. Company platoon commander.
2. [Company Commander]
3. Battalion platoon commander.
4. Division commander.
5. Bureau commander.

b. Other Divisions:

1. Immediate supervisor.
2. Assistant division commander.
3. Division commander

6. Any member who feels that they have not received equal treatment because of their race, sexual orientation, religion, color, ancestry, or national origin may contact their Equal Employment Opportunity Counselor or request an appointment with the Equal Employment Opportunity Officer for the Department.

Section 18. Official Identification Card:

The official Fire & EMS Department Identification Card (FDID) will be carried by all on-duty personnel at all times.

In the event this item is lost or stolen, a special report stating full particulars will be submitted to the appropriate division commander, who will take final action on the matter. Cases of lost or stolen cards will also be reported to the proper jurisdictional police agency.

Additional information regarding the official identification card may be found in F&EMSD Bulletin [No. 51 regarding replacement of identification cards.]

Section 19. Transfer Requests:

Members may request a transfer from one assignment to another. The following criteria is established regarding voluntary transfer requests:

1. Requests may be made for positions that are vacant or anticipated to become vacant in the near future.

2. Requests will be in writing on F&EMSD Form 10 listing:

- a. Time in grade.
- b. Reason for the request.
- c. Current and previous assignments, by rank and dates.
- d. Any educational qualifications relevant to the position.
- e. Any other qualifications of the member relevant to the position.

3. Requests will remain on file and valid for the calendar year submitted.

It is the policy of the Fire and EMS Department to prohibit the direct supervision of, or the assignment with, any member to the same battalion unit on the same platoon with the member's:

1. Mother/father.
2. Sister/brother.
3. Son/daughter.
4. Spouse.

[Section 20. Monetary Allotments to Financial Organizations or Savings Accounts:

The Standard Payroll Direct Deposit Authorization Form may be used for two (2) purposes:

1. To authorize payment of the total net amount of salaries or wages due an employee by direct credit to their account at a financial organization.
2. To authorize allotments of pay to employee's saving accounts in District credit unions approved by the Pay and Retirement Division of the Office of Financial Management. Current allotments to financial organizations may be increased or decreased as the employee desires.

The term "financial organization" means any bank, savings bank, savings and loan, federal or state chartered credit union, or similar institution.

The Standard Payroll Direct Deposit Authorization Form can be accessed on the department LAN. Employees may type or print if printing use black or blue ink.

If changing banks and/or closing accounts, do not close the account until a payroll check is issued from the new account or your earnings statement reflects the change.

A voided check is required for the net pay deposit, it is recommended but not required for allotments.

All forms must be taken to the agency payroll officer or Human Resource Advisor, and delivered to:

Office of Pay and Retirement Services
Payroll Operations
441 4th Street, NW, Suite 480 North
Washington, DC 20001]

21. Citizens Procedure for Filing Claims against the D.C. Government:

Citizens who believe that they have been injured and/or their property has been damaged by the D.C. Fire and EMS Department must file a claim with the District of Columbia government in order to receive compensation. The claim will not be paid unless they follow the procedures that are described below.

The legal requirements for filing a claim against the District of Columbia government for damage to persons or property are set forth in D.C. Official Code ss 2-411 et seq., and D.C. Official Code ss 12-309.

To hear a tape recording of the specific requirements for filing a claim, call [202-727-8600].

These provisions, require written notice, containing the following information:

1. A brief description of the incident explaining the cause and circumstances of the claim.
2. The date and time of the incident.
3. The location of the incident.

This notice must be addressed to:

Office of Risk Management – Claims Bureau
441 4th Street, N. W. [Suite 800 South]
Washington, DC 20001

WARNING: THIS NOTICE MUST BE FILED WITHIN SIX (6) MONTHS OF THE DATE YOU SUSTAINED THE DAMAGE OR INJURY. IF YOU MISS THIS DEADLINE, YOU WILL NOT BE PERMITTED TO FILE A CLAIM. DO NOT SEND YOUR NOTICE TO THE D. C. FIRE AND EMS DEPARTMENT.

In addition to the information required above, you will be asked to supply other information during the processing of your claim. This information may include, but is not limited to:

1. Two or more estimates of the cost of the repair, if the damage is to real or personal property.
2. Copies of medical bills and expenses, documentation of lost wages, etc., if the injury is to a person.

3. The name, address and telephone number of your insurance carrier, if your loss is covered by insurance, such as car insurance, home insurance, or health insurance.

It is not necessary to have all this information at the time of the filing of the notice of claim. However, it must be provided in order to complete processing of the claim. To speed up the processing, it is recommended that as much information be included when the claim is initially filed. To check on the status of your claim, call the Claims Unit of the Office of the Risk Management at 202-724-2251. The Fire and EMS Department does not maintain this information.

If you need more information concerning your legal rights and remedies, you should consult with your attorney.

Section 22. Request for Audience with the Fire/EMS Chief:

All requests for an audience with the Fire/EMS Chief will be made in writing and proceed through the proper channels. Officers and supervisors endorsing these reports will make every effort to substantiate the validity of the request, which must be reflected in the endorsement. The request will be submitted promptly to the Fire/EMS Chief for consideration.

Audiences of an emergency nature need not be in writing, but must follow the established chain of command.

The following guidelines outlining visits to the Offices of the Fire/EMS Chief, will be adhered to by all Department members:

1. Member will report in full dress uniform unless, due to the urgency of the order, that would be impossible. All attire will be clean and pressed with shoes property polished.
2. Upon entering the office area, advise the secretary or aide of your purpose for visiting so that the official you desire to see will be aware of your presence.
3. If there is a delay before the official can see you, have a seat to the waiting area. Do not congregate in any other area.

Section 23. Requests to Ride Department Apparatus:

[Refer to F&EMSD Bulletin Number 36.]

Section 24. Civil Summons and Subpoenas:

The following policies and procedures will be adhered to concerning the service of summonses and subpoenas directed to members of the department in civil law suits related to the performance of their duties. The General Counsel will accept service of summonses and subpoenas directed to the

Fire/EMS Chief and will forward them to the appropriate unit for action. General Counsel is located in room S-203 at Grimke School, phone (202) 673-3396. This order consists of the following parts:

Part I Summons

Part II Subpoenas

Part III Depositions

Part 1 - Summons.

Definition: A legal document notifying the person summoned that an action has been initiated against him or her in the court where the summons was issued.

1. A person who has been properly served with a summons in a civil action is a defendant in that case, and an answer must be filed to court on his or her behalf within the time specified in the summons. If the answer is not filed by the deadline, the court may issue a default judgment against the defendant. Any member who receives a summons naming him or her as a defendant in a work-related civil suit should immediately contact the General Counsel, regardless of whether the member believes the summons was properly served or improperly served. The member may also wish to contact a private attorney.
2. Members of the department will not accept personal service of a summons to a civil law suit for any other member, unless specifically authorized to do so by that member. Court rules also permit service of a summons by certified mail, return receipt requested. Members are cautioned against signing for mail addressed to other members unless they have been authorized to do so, or are certain that the envelope for which they are asked to sign does not contain a summons.
3. Members are encouraged to accept proper personal services of summonses on themselves in civil cases related to the performance of duty. A logical and appropriate place for service in such cases is at the member's duty station. Home addresses of members of the department are not a matter of public record, and it is the policy of this department not to disclose the home addresses of members in order to protect the privacy of members and their families. This policy is based on the understanding that members will be available at the place of duty for the legitimate purposes related to their duty, to include the service of civil process. Thus, it would be unseemly for a member to purposely attempt to evade proper service at the organizational unit for duty-related civil actions. However, no member of the department will be ordered to meet with a process server or to accept a summons in a civil case.
4. Process servers who seek to serve a summons on a member at his or her duty station will be directed to the company commander or other designated administrative official. The company commander will determine if the member to be served is available to be notified. If the member to be served is available, he/she will be notified that a process server wishes to see him or her. The member will inform the company commander whether he or she will meet the process server then, at a future time, or whether he or she refuses to meet with the

process server. The company commander will relay this information to the process server. If the member to be served is not available, the process server will be told the hours when the member will be on duty and when he will be reporting for duty. The process server will be asked if he or she will attempt service at that time or at a future time or date. If the process server states he will return at a specified time, the member to be served will be notified of the visit of the process server, and of the time and date when service will again be attempted. These occurrences will be recorded in the Company Journal, omitting any details of the summons. The appropriate Battalion Fire Chief, Division or Bureau Chief will be notified by telephone, unless directed by same, to put it in writing.

5. Members served with a summons in a civil suit will immediately read the summons and complaint carefully. Members should take immediate action to ensure that an answer is filed in court on their behalf. Members may be entitled to free legal representation by the Office of the Attorney General (OAG) in civil suits arising out of acts performed in the line of duty. Members who wish to request representation by the Corporation should immediately obtain and complete FD Form 2.6 (Request for Representation by the (OAG) in triplicate. The summons and FD Form 2.6 should be personally delivered to the Office of the General Counsel without delay, along with any reports or documentation pertaining to the case, which are readily available to the member served. Members who do not wish to be represented by the (OAG) may obtain private legal counsel at their own expense.

Part II – Subpoenas.

Definition: A legal notice to a witness to appear and give testimony at the place, date and time specified in the subpoena. A subpoena may direct a witness to appear and give testimony only, or a Subpoena Duces Tecum may direct the witness to bring relevant documents.

1. A subpoena cannot be ignored, it must be complied with, withdrawn or modified by the person who issued it, or modified or quashed by the court. A person who fails without adequate excuse to obey a subpoena can be held in contempt of court. Members receiving a subpoena who have questions concerning the subpoena or who wish to have a subpoena quashed, modified or withdrawn should contact the Office of the General Counsel. Members receiving subpoenas who are parties in a case and who are represented by counsel should immediately notify their counsel of the subpoena.
2. A subpoena must indicate the name of the case, the date, time and place of appearance, and the name of the person issuing the subpoena, as well as the name of the person being subpoenaed. If any of these elements of a subpoena are missing, a member need not accept service of the subpoena. A subpoena should also bear the signature of the clerk of the court and the seal of the court. Subpoenas issued by private attorneys should be accompanied by a check for payment of a witness fee or should note of the subpoena the phrase "In Forma Pauperis," or "Without Prepayment of Fees" which means that the court has given permission for the subpoena to be issued without tendering a fee. Absence of any of these latter elements will be pointed out to process servers for correction, but such deficiencies do not constitute

grounds for refusal of service. Any member who receives a subpoena and who has questions concerning the subpoena should immediately contact the Office of the General Counsel.

3. Members of the department will not accept a subpoena in a civil law suit for another member unless specifically authorized to do so by that member.
4. The procedure for dealing with process servers attempting to serve subpoenas on members at organizational units will be the same as for service of summonses, as set forth to Part 1A, paragraph 4 of this order.
5. In some cases, members will be served with subpoenas which not only require them to appear and testify in person in a case, but to also produce department documents related to their testimony. Members are reminded that while they may have access to many department documents, they are usually not the official custodian of those documents, and may not release departmental documents without proper authorization.
6. Members who receive subpoenas requiring them to appear and give personal testimony and also to produce departmental documents will immediately bring the subpoena to the attention of their supervisor and will notify the Office of the General Counsel. If it is determined that the documents may be released, the member will be authorized to bring the documents to the trial or hearing and he will be given appropriate instructions concerning the production of the documents. If it is determined that the documents may not be released, the Office of the General Counsel may act to have the subpoena withdrawn, quashed, or modified.
7. In some cases, members will be presented with subpoenas requiring production of departmental documents in cases for which the member has no personal knowledge. Such subpoenas are usually directed to the Fire/EMS Chief, the EMS Director or the Public Information Office. Members will not accept service of subpoenas requiring production of departmental documents of which the member has no knowledge and about which the member cannot testify from personal knowledge unless the member is the official custodian of the documents specified to the subpoena. Process servers attempting to serve such subpoenas will be told that the subpoena should be served at the Office of Information and Privacy. If a process server leaves such a subpoena with a member despite being told that the member cannot accept service of the subpoena, the member will immediately notify the Office of the General Counsel.
8. In every case in which a subpoena directed to the department requires the production of documents, the office receiving the subpoena for action will take immediate action to respond to the subpoena or to have it quashed. If there is a question as to whether the subpoena was improperly issued or served, or whether the information requested is privileged or irrelevant to the issues in the case, or unduly burdensome to produce, the subpoena should immediately be brought to the attention of the General Counsel. Frequently requested materials, which are often the subject of motions to squash, are:

- a. Investigative files;

- b. Records of proceedings and recommendations pertaining to departmental disciplinary matters.
 - c. Personnel jackets of employees.
 - d. Medical records, unless the subpoena is accompanied by an authorization to release from the patient.
 - e. Statistics, the compilation of which would require a major expenditures of time and manpower.
9. With few exceptions, the fact that there may be a legal problem with a subpoena is not a valid reason to fail to make timely efforts to obtain the material requested in the subpoena. The department should always be prepared to produce materials requested by a subpoena at the time specified in the subpoena, if necessary. Legal questions concerning the validity of the subpoena or the propriety of disclosing the information requested in the subpoena can be determined prior to actual delivery of the information.
10. Every subpoena must be dealt with individually, and a subpoena may not be ignored merely because the department has furnished the same information requested in the subpoena to the opposing attorney in the case. In cases in which the department has furnished information to one attorney prior to receiving a subpoena for the same information from the attorney representing the other side, the General Counsel should immediately be notified so that steps can be taken to prevent unnecessary duplication of effort by the department.

Part III - Notice of Deposition.

Definition: A document informing a witness of the intention to pursue and discover a matter involved in a lawsuit through the taking of testimony under oath. The deposition usually occurs outside of the court setting (an attorney's office or similar setting). Normally, the lawyers for all parties to the trial and a stenographer will be present at the time of the deposition. The witness being deposed can be subjected to questioning by all parties present and the questioning can extend into areas, such as hearsay, which are not admissible as evidence in the trial.

- 1. Because of the importance of depositions as prior recorded testimony, members of the department will immediately, upon receipt of a notice of deposition in a duty related case, contact the General Counsel for guidance. Members of the department will not accept personal serves of a notice of deposition for any member unless specifically authorized by that member.
- 2. Members are not authorized to release any records (particularly personnel records), files or other papers of the department. This prohibition as to release does not apply to the official custodians of department records. Any case jacket, personal documents, notes, to or materials relevant to the particular case will be presented to the General Counsel for review.